U.S. DEPARTMENT OF COMMERCE
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PB-255 263

EPA'S ENVIRONMENTAL PROGRAMS

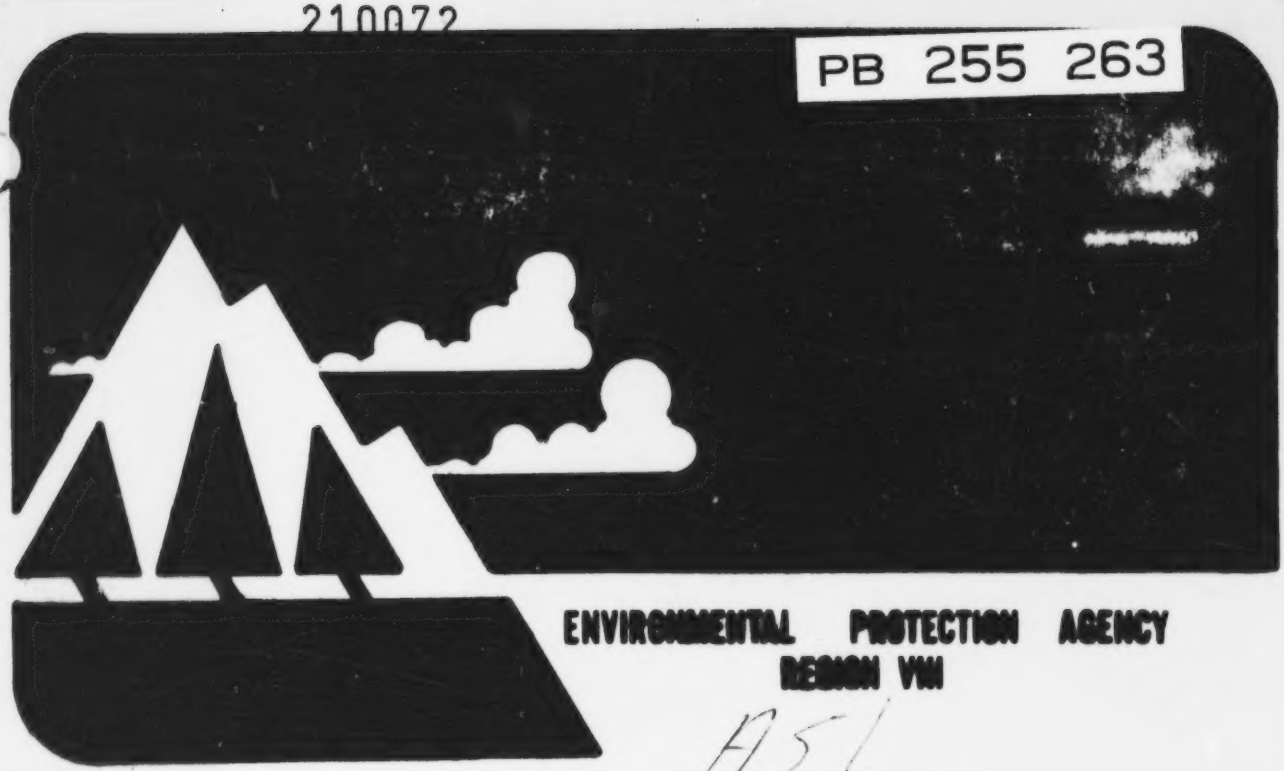
A PLANNING COORDINATION PACKAGE FOR FEDERAL LAND MANAGING AGENCIES

ENVIRONMENTAL PROTECTION AGENCY

DECEMBER 1975

210072

PB 255 263



ENVIRONMENTAL PROTECTION AGENCY
REGION VIII

ASL
12-15-75

EPA's ENVIRONMENTAL PROGRAMS: A PLANNING COORDINATION PACKAGE FOR FEDERAL LAND MANAGING AGENCIES

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U. S. DEPARTMENT OF COMMERCE
SPRINGFIELD, VA. 22161

BIBLIOGRAPHIC DATA SHEET	1. Report No.	2.	3. Recipient's Accession No. PB-255 263
4. Title and Subtitle EPA's Environmental Programs: A Planning Coordination Package for Federal Land Managing Agencies			5. Report Date Dec 75 6.
7. Author(s)			8. Performing Organization Rept. No.
9. Performing Organization Name and Address Environmental Protection Agency Denver, Colo. Region VIII			10. Project/Task/Work Unit No. 11. Contract/Grant No.
12. Sponsoring Organization Name and Address			13. Type of Report & Period Covered 14.

15. Supplementary Notes

16. Abstracts

The discussion of Federal environmental statutes is intended to guide planners of Federal agencies and other interested individuals through some of the land use aspects of these laws, point out the planning constraints they impose, and draw attention to ongoing Federal, state, and local planning activities that may affect the programs of other Federal agencies. Because of the breadth of the materials covered and the rapid pace of events in this field, the package has been designed to provide a brief introduction to certain planning and land use aspects of several complex pieces of environmental legislation together with sources of current, detailed information that will be useful in carrying out the programs of various agencies in harmony with EPA's legal mandates

17. Key Words and Document Analysis. 17a. Descriptors

*Environments,
*Legislation,
*National government,
*Land use,

Water pollution abatement,
Potable water,
Pesticides,
Solid waste disposal,

17b. Identifiers/Open-Ended Terms

Air quality maintenance,
Federal Water Pollution Control Act Amendments of 1972,
Safe Drinking Water Act,
Federal Pesticide Control Act of 1972,
Solid Waste Disposal Act,
Clean Air Act,
Noise Control Act of 1972.

17c. COSATI Field/Group

18. Availability Statement	19. Security Class (This Report)	21. No. of Pages
National Technical Information Service Springfield, Virginia	UNCLASSIFIED	54
	20. Security Class (This Page) UNCLASSIFIED	22. Price 4.50/2.25

FORM NTIS-35 (REV. 10-73) ENDORSED BY ANSI AND UNESCO. THIS FORM MAY BE REPRODUCED USCOMM-DC 8265-P74

EPA's ENVIRONMENTAL PROGRAMS:

A Planning Coordination Package

for Federal Land Managing Agencies

EPA Region VIII
1860 Lincoln Street
Denver, Colorado 80203

December 1975

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INTRODUCTION

The following discussion of Federal environmental statutes is intended to guide planners of Federal agencies and other interested individuals through some of the land use aspects of these laws, point out the planning constraints they impose, and draw attention to ongoing Federal, state, and local planning activities that may affect the programs of other Federal agencies. Because of the breadth of the materials covered and the rapid pace of events in this field, the package has been designed to provide a brief introduction to certain planning and land use aspects of several complex pieces of environmental legislation together with sources of current, detailed information that will be useful in carrying out the programs of various agencies in harmony with EPA's legal mandates.

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500), the Safe Drinking Water Act (P.L. 93-523), the Federal Environmental Pesticides Control Act (P.L. 92-516), the Solid Waste Disposal Act (P.L. 89-272, as amended), the Clean Air Act (P.L. 91-604, as amended), and the Noise Control Act of 1972 (P.L. 92-574) share several things in common. First, enforcement or implementation of these statutes by state authorities within the bounds of Federal guidelines is emphasized, and Federal assistance in planning, training or other areas of implementation is provided.

A second characteristic of these laws is that nearly all of them require Federal compliance with substantive state and local pollution control requirements in addition to compliance with Federal requirements. This mandate is repeated in Executive Order 11752, which directs all agencies and instrumentalities of the Federal Government to provide leadership in the effort to protect and enhance the quality of our environment through cooperation with state and local governments and compliance with their pollution control laws and ordinances. Finally, all of the acts mentioned above provide for public involvement in one form or another. The public involvement provisions of the acts provide citizens with access to planning processes, compliance monitoring, and in some cases, direct judical remedies through litigation in civil court.

Thus, Federal agencies face an awesome challenge in complying with the letter and spirit of the environmental legislation discussed below. We trust that this challenge will be met with the expertise and sensitivity of Federal land managers, and we hope that the following will assist in making that job easier.

P.L. 92-500, THE FEDERAL WATER POLLUTION CONTROL ACT AMENDMENTS OF 1972

The Federal Water Pollution Control Act Amendments of 1972 (P.L. 92-500) extensively revised existing Federal statutes concerning water quality and began an ambitious program aimed at eliminating the discharge of pollutants into navigable waters* by 1985 and achieving an interim goal of water quality that provides for the protection and propagation of fish, shellfish, and wildlife and provides for recreation in and on the water by July 1, 1983. The Act extends Federal protection to the quality of all of the Nation's waters and provides states and localities with financial assistance for water pollution abatement and planning.

Section 313 of the Act specifies that all Federal agencies that have jurisdiction over any facilities or properties and are engaged in any activity that results in or potentially results in discharges of pollutants must comply with Federal, state, local, and interstate requirements for control and abatement of water pollution. Although the President may, under certain circumstances, exempt Federal agencies from some of the requirements of P.L. 92-500, Executive Order 11752 strengthens the provisions of the Act by requiring that the Federal Government provide leadership in the nationwide effort to protect and enhance the quality of our air, water and land resources through compliance with applicable standards for prevention, control, and abatement of environmental pollution in full cooperation with state and local governments. Federal agencies are required to carry out this mandate in the design, construction, management, operation, and maintenance of all government facilities, including buildings, installations, structures, lands, public works, equipment, aircraft, vessels, and other vehicles and property owned by, or constructed or manufactured for the purpose of leasing to the Federal Government.

Finally, Section 505 of the Act allows citizens to file suit against any party, including agencies and instrumentalities of the Federal Government, that violates P.L. 92-500 or any regulations promulgated under the Act by the Environmental Protection Agency or an authorized state agency. The following discussion of the planning and land use constraints imposed by the Water Pollution Control Act Amendments of 1972 is aimed at helping Federal agencies fulfill their responsibilities with respect to Section 313 of the Act and Executive Order 11752 and reduce the likelihood of citizen suits for violations of the Act.

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*Section 502(7) of the Act define navigable waters to mean all the waters of the United States, including territorial seas.

Planning Constraints of P.L. 92-500

Effluent Limitations Sections 301, 302, 304(b), and 306 of the Act define the concept of effluent limitations and establish the principle that any discharge of pollutants is unlawful and continues only because of technological limitations or failure to use technical solutions that are available. Section 301 treats existing point sources* of water pollutants from various industrial categories in two levels or phases. The Environmental Protection Agency's role in setting standards for these categories are outlined in Section 306 of the Act, and effluent limitations, guidelines, and standards for a number of industrial categories and processes have been published pursuant to regulations promulgated under this section of the Act (see 40 CFR 400 series). Categories that might be of particular interest to Federal agencies are those related to mining, oil production, timber processing, and the operation of hospitals and laboratories.

The first level of performance specified by the Act requires the use of the best practicable control technology as the minimum compliance for all point sources by July 1, 1977. The best practicable control technology in each category or subcategory represents the average of the best existing performance by well operated plants, and emphasizes both treatment at the end of the manufacturing process, and process controls such as substituting higher quality materials that cause less discharge of pollutants, changing processes or plant operations, and increasing the effectiveness of existing control systems through better operation and maintenance.

By July 1, 1977 most municipal treatment plants must provide secondary treatment as defined by EPA regulations and any other treatment necessary to comply with EPA or State treatment standards and compliance requirements. Federally funded municipal plants built after June 30, 1974 must provide the best practicable treatment for the category of operation, and, by July 1, 1983 all publicly owned waste treatment plants must use the best practicable control technology. Regulations defining the best practicable control technology for municipal treatment systems are currently being developed and will be made available when they are ready.

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*A point source is defined as any discernible, confined, and discrete conveyance, including any pipe, ditch, channel, tunnel, conduit, well, discrete operations, or vessel or other floating craft from which pollutants are or may be discharged. Pollution is defined as the man-made or man induced alteration of the chemical, physical, biological, and radiological integrity of water, making it less desirable for propagation of balanced indigenous populations of fish, for recreation, industry or wildlife uses.

The second level, or phase of treatment specified in Section 301 is the best available control technology, which all point sources except municipal treatment plants must put into operation by July 1, 1983. The best available control technology will be based upon the very best control and treatment measures that have been or are capable of being economically achieved in a given category. The objective of this level of treatment is to achieve the greatest possible uniformity among the categories of point sources and to make reasonable progress toward the 1985 goal of no discharge of pollutants into the Nation's waters. The guidelines for the best available control technology will be updated periodically as control and treatment processes are refined.

In addition to the two levels or phases of effluent limitations for existing sources, Section 306 of the Act also specifies a third level or set of performance standards that applies to new sources. A new source is a plant or facility that is constructed, or in some cases modified after the Environmental Protection Agency published standards in that category. The performance standards for new sources are geared toward incorporating water quality objectives into the design process and enabling the facility to accomodate further upgrading of the standards toward the goal of eliminating discharge of pollutants at lower economic costs.

Section 302 directs the Environmental Protection Agency to make certain that the effluent limitations or performance standards discussed above work toward maintaining or reaching the water quality goals of the Act. When discharges from one or more point sources that meet performance standards interfere with the attainment or maintenance of water quality goals, EPA is required to set effluent limitations and prescribe alternative effluent control strategies that will result in reasonable progress toward these goals. Section 302 provides for public involvement in the process of setting these performance standards and alternative effluent control strategies.

Current information on the performance standards for various categories of discharges and information on recommended methods of attaining the required levels of treatment may be obtained from the Director, Enforcement Division, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203 303/837-3868.

Toxic Wastes and Pretreatment Standards Section 307 of P.L. 92-500 concerns toxic effluents and requires pretreatment of certain industrial wastes before they are allowed to enter public treatment facilities. Unlike other pollutants for which effluent limitations and performance standards are based on the economic or technical feasibility of treatment, the limitations for toxic substances are based on the toxicity of the pollutant; its persistence, degradability, and presence in aquatic organisms; the importance and abundance of the affected species; and the toxicity of the pollutant after concentration in a food chain or in combination with other substances. In addition,

Section 302(f) forbids anyone from discharging any radiological, chemical, or biological warfare agent, or high level radioactive waste into navigable waters. Thus, technological and economic convenience are pre-empted by any overriding threat to public health and welfare and the protection of aquatic life. Aldrin, dieldrin, benzidine, cyanide DDT (DDD & DDE), endrin, mercury, polychlorinated biphenyls, and toxaphene are currently listed as toxic substances under Section 307 of the Act.

The part of Section 307 pertaining to pretreatment requires that industrial pollutants that are not susceptible to treatment by municipal treatment works or would interfere with their operation, be pretreated in such a way as to assure that the public treatment works will neither exceed any of its effluent standards nor be disabled in any way by incoming industrial wastewaters. The pretreatment standards for wastes discharged into municipal systems are designed to prevent the discharge of joint treatment systems from exceeding the levels that would be permitted if the industrial wastes were completely treated and discharged into the receiving waters instead of being passed through municipal treatment works first.

Information on the standards and requirements for pretreatment may be requested from the Director, Enforcement Division, EPA Region VIII.

Oil and Hazardous Substances Section 311 of the Act prohibits the discharge of oil and hazardous substances into navigable waters, shorelines, or the contiguous zone of coastal waters around the United States, and outlines the Environmental Protection Agency's responsibilities in determining what materials are considered to be oils and hazardous substances, the requirements for removing those substances or mitigating their effects if they are discharged into the Nation's waters, and the legal responsibilities of those who pollute these waters with oil and hazardous substances. Regulations promulgated under this section of the Act define oil as "oil of any kind or in any form including, but not limited to petroleum, fuel oil sludge, oil refuse, oil mixed with ballast or bilge, and oil mixed with wastes other then dredged spoil" (40 CFR Part 110). Quantities of oil that "violate applicable water quality standards" or cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines, are considered to be harmful quantities under these regulations.

Section 311(c)(2) directs the President to formulate and implement a National Contingency Plan for removal of oil and hazardous substances. Regulations promulgated under this part of the Act provide guidelines for planning to deal with emergencies at both the national and regional level. These regulations also state that all Federal agencies are responsible for minimizing discharges and

for developing the capability to respond promptly in case of discharges from facilities they operate or supervise. The regulations are set forth in 40 CFR part 1510.

Under Section 311 (j)(1) of the Act, the President is directed to issue regulations establishing procedures, methods, equipment, and other requirements to prevent discharges of oil and hazardous substances. EPA has published Oil Pollution Prevention Regulations for Non-Transportation Related Onshore and Offshore Facilities (40 CFR Part 112). These regulations apply to Federal agencies to the same extent as any person.

The personnel of EPA's Emergency Planning and Response Branch are responsible for carrying out the requirements of Section 311 of the Act and should be contacted for information on emergency planning and other matters related to pollution of the Nation's waters by oils and hazardous substances. The Emergency Planning and Response Branch should also be notified of any oil spill, whenever it occurs. A 24 hour telephone number for this purpose has been installed in the EPA, Region VIII offices in Denver. The number is 303/837-3880.

National Pollutant Discharge Elimination Program The permit program, known as the National Pollutant Discharge Elimination System (NPDES), is the cornerstone of the effort to implement the effluent limitations and performance standards established under authority of P.L. 92-500. The beauty of the permit program lies in the fact that it provides the mechanism by which the water quality goals established in the Act will be achieved. Under NPDES no one may discharge pollutants into navigable water without a permit to do so. However, rather than being simply a license to pollute the Nation's waters, the NPDES permit program contains several features that are designed to eliminate the discharge of pollutants into navigable waters. These features, which include performance standards, compliance schedules, monitoring requirements and other specifications or conditions are summarized in the enclosed booklet, "Toward Cleaner Water".

Until recently, smaller feedlots, storm sewers, and agricultural and silvicultural dischargers were administratively excluded from the permit program and exempted from the effluent limitations of the Act. However, in a decision in the case of the Natural Resources Defense Council vs. Russell Train, the U.S. District Court for the District of Columbia ruled that EPA's exclusion of these categories from the requirements of the permit systems is illegal, and that all point sources fall under the requirements of the permit system. The Court ordered EPA to publish proposed regulations extending the NPDES permit program to previously excluded small feedlots and to storm sewers by November 10, 1975, and gave the

agency until February 10, 1975 to publish proposed regulations extending the permit program to silvicultural and agricultural point sources. Current detailed information on the requirements of the permit system may be obtained from Mr. Evan D. Dildine, Permits Administration & Compliance Branch, Enforcement Division, EPA-Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, 303/837-3760.

Section 402 of the Act provides for either State or Federal administration of the NPDES Programs. States may, under the guidance of EPA, carry out the NPDES permit program as long as the State programs are consistent with the requirements of the Act. However, when the states do not wish to carry out the NPDES permit program the Environmental Protection Agency is responsible for carrying it out. The states in EPA-Region VIII that have the authority, resources and ability to implement the NPDES program and have been delegated the authority to do so include Colorado, Wyoming, Montana and North Dakota. South Dakota and Utah have not been delegated the authority to issue discharge permits under the NPDES program and EPA is responsible for all permits. In these states permits are drafted by the State, but the authority to issue the permit remains with EPA.

Federal agencies must also comply with Section 402 of the Act by obtaining a permit to discharge pollutants into the Nation's waters. Unlike other dischargers of pollutants, Federal agencies must obtain discharge permits from the Environmental Protection Agency, whether or not the point source is located in a state that has been delegated the responsibility to carry out the permit program. This requirement of the Act has been under attack in the courts, however, and it may be subject to change. Two states, Washington and California, have successfully challenged EPA's authority to grant permits to Federal agencies in states that have been delegated the authority to issue NPDES permits. The challenge is aimed at who will issue discharge permits to Federal agencies rather than the requirement that all Federal agencies have discharge permits. The requirement that all Federal dischargers have permits will not be altered, regardless of changes in EPA regulations or the outcome of appleals to higher courts. Questions about NPDES permits for Federal agencies or other aspects of the program may be addressed to the Enforcement Division, EPA-Region VIII. 1860 Lincoln Street, Denver, Colorado 80203, 303/837-3868.

Finally, Section 402 also specifies that the NPDES process is a public one, available to all interested citizens and groups. The views of the public are evaluated in determining whether or not a permit will be issued, hearings may be held, and the permit itself is a public document. In addition, the public is entitled to examine the monitoring and compliance reports that permit holders

Table 1

State Officials Responsible for NPDES

Permits in EPA Region VIII

COLORADO

Arden Wallum
Water Quality Control Division
Colorado Department of Health
4210 East 11th Avenue
Denver, Colorado 80220
303/388-6111

MONTANA

Jim Brown
Water Quality Bureau
Department of Health &
Environmental Sciences
Cogswell Building
Helena, Montana 59601
406/449-2406

NORTH DAKOTA

Frank Mateczek
Division of Water Supply
& Pollution Control
Department of Health
State Capitol
Bismarck, North Dakota 58501
701/224-2386

SOUTH DAKOTA

Richard Howard
Water Quality Control Program
Department of Environmental
Protection
Joe Foss Building
Pierre, South Dakota 57501
605/224-3351

UTAH

Cecil Carrol
Room 4223
Federal Building
125 South State Street
Salt Lake City, Utah 84111
801/524-5275
or
Calvin Sudweeks, Chief
Water Quality Section
Bureau of Environmental Health
44 Medical Drive
Salt Lake City, Utah 84113
801/338-6146

WYOMING

John Wagner
Water Quality Division
Department of Environmental
Protection
State Office Building
Cheyenne, Wyoming 82002
307/777-7781

*All NPDES permits are issued by EPA with technical assistance from the state.

must file with EPA or the State Agency responsible for carrying out the permit program. Thus, the public and other interested groups can play a decisive role in the operation of the permit system.

Land Use Planning Aspects of PL 92-500

Nonpoint Sources of Pollution Section 304(e) of the Act directs the Environmental Protection Agency to provide guidelines for identifying and evaluating the nature and extent of non-point sources* of pollutants and processes, procedures, and methods of controlling them. Section 208 requires the states to implement control measures for non-point sources of pollution. A list of some of the EPA publications on non-point source pollution prepared pursuant to section 304(e) of the Act is attached. The requirements of section 208 will be discussed in a later section.

As point sources such as municipal treatment systems and industrial discharges are brought under the controls required by the Act, the problem of nonpoint sources will emerge as the remaining barrier to achieving the 1983 and 1985 water quality goals. For example, once secondary treatment has been provided in cities, storm generated nonpoint source discharges may account for between 40 and 80 percent of the total annual load of oxygen demanding pollutants discharged into surface waters in addition to significant amounts of sediments, nutrients, and heavy metals. The environmental effects of these urban runoff pollutants is magnified by their sudden entry into surface waters during the initial period of stormwater runoff when accumulated pollutants are flushed into surface waters from city streets and sewer systems. In rural areas, nonpoint sources such as cultural practices and land use patterns are often the single most important causes of water pollution. Overall, approximately 40 percent of the water quality standards violations in 1972 were attributable to nonpoint sources.

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*Nonpoint sources of pollutants are those that are discharged into a body of water from any non-confined area. Pollution resulting from agricultural and silvicultural activities, including runoff from fields and crop and forest lands; mining activities, including runoff from new, currently operating, and abandoned surface and underground mines; all construction activity, including runoff from the facilities resulting from such construction; the disposal of pollutants in wells or in subsurface excavations; salt water intrusion resulting from reductions in fresh water flow from any cause, including extraction of ground water, irrigation, obstruction, and diversion; and changes in the movement, flow or circulation of any navigable waters or ground waters, including changes caused by the construction of dams, levees, channels, causeways, or flow diversions are included among the non-point sources listed in the Act.

Unlike point sources, for which pollution control may readily be achieved through treatment of wastewater discharges at "the end of the pipe", the diffuse nature of nonpoint sources requires a different approach. Here, the emphasis is on prevention or management of water pollution through measures such as changes in land use or changes in the way certain activities are carried out, rather than treatment of waters after they are polluted.

The term, best management practice (BMP), has been applied to the strategy for dealing with nonpoint sources of pollution. Proposed regulations (40 CFR 130) define a best management practice to mean a practice or combination of practices that is determined by a state after problem assessment, examination of alternative practices, and appropriate public participation to be practicable and most effective in preventing or reducing the amount of pollution generated by diffuse sources to a level compatible with water quality goals. Best management practices differ from the best practicable control technology and the best available control technology discussed in a previous section, in that the best management practices are aimed primarily at prevention of nonpoint source pollution, they must be tailored to the environmental conditions or parameters of the area in which the BMP is to be applied, and the BMP must be applied to a specific pollution generating activity, such as road building or logging.

Although the term, best management practice, is a relatively new one the concept may be found in long standing conservation practices and the policies and regulations of most Federal land managing agencies. In most cases the land use requirements of water quality regulations will merely strengthen the authority that agencies already have over their own land use practices and the activities of concessioners, lessees, and other tenants.

Best management practices formulated under general EPA guidelines will be instituted by State and local agencies with effective legal authority to do so. Where existing authorities will not suffice, new legislation will be sought so that the BMP's can be implemented. Initially, state responsibilities will involve an assessment of the nature and extent of nonpoint sources and establishment of a set of priorities for planning and implementation purposes. By early fiscal year 1976, states in a position to do so will begin implementing regulatory programs and developing five year work plans for the control of nonpoint source pollution. The first two years of planning activities will be directed toward assessing nonpoint problems and needs. Then, as various categories of nonpoint source pollution are identified, a schedule for their control will be developed. Implementation for non-point source pollution control is scheduled to begin in July 1977 and should be completed by July 1, 1983.

In compliance with Section 313 of the act and Executive Order 11752, 40 CFR Part 130.34 directs all Federal agencies to comply with substantive state, interstate, and local pollution control and abatement requirements

and to cooperate with the states in formulating and implementing water quality management plans. These directives apply equally to point and nonpoint source controls and Federal agencies are expected to comply with or exceed the requirements of state best management practices for nonpoint source control in the management of Federal lands. Thus *appropriate BMP's should be brought to bear on all existing Federal planning programs,* and they should be documented in environmental statements, work plans, master plans, project plans, and other such publications. Permits, leases, contracts, and licenses issued by Federal agencies are also appropriate mechanisms for incorporating best management practices into the daily business of the Federal government. In the event that disputes or conflicts arise between Federal agencies and state, local, or interstate agencies over matters that affect the application of or compliance with pollution control or abatement requirements, such as BMP's, the regulations direct EPA to mediate the dispute. If mediation by EPA fails to resolve the conflict, the matter will be referred to the Office of Management and Budget under the provisions of Executive Order 11752.

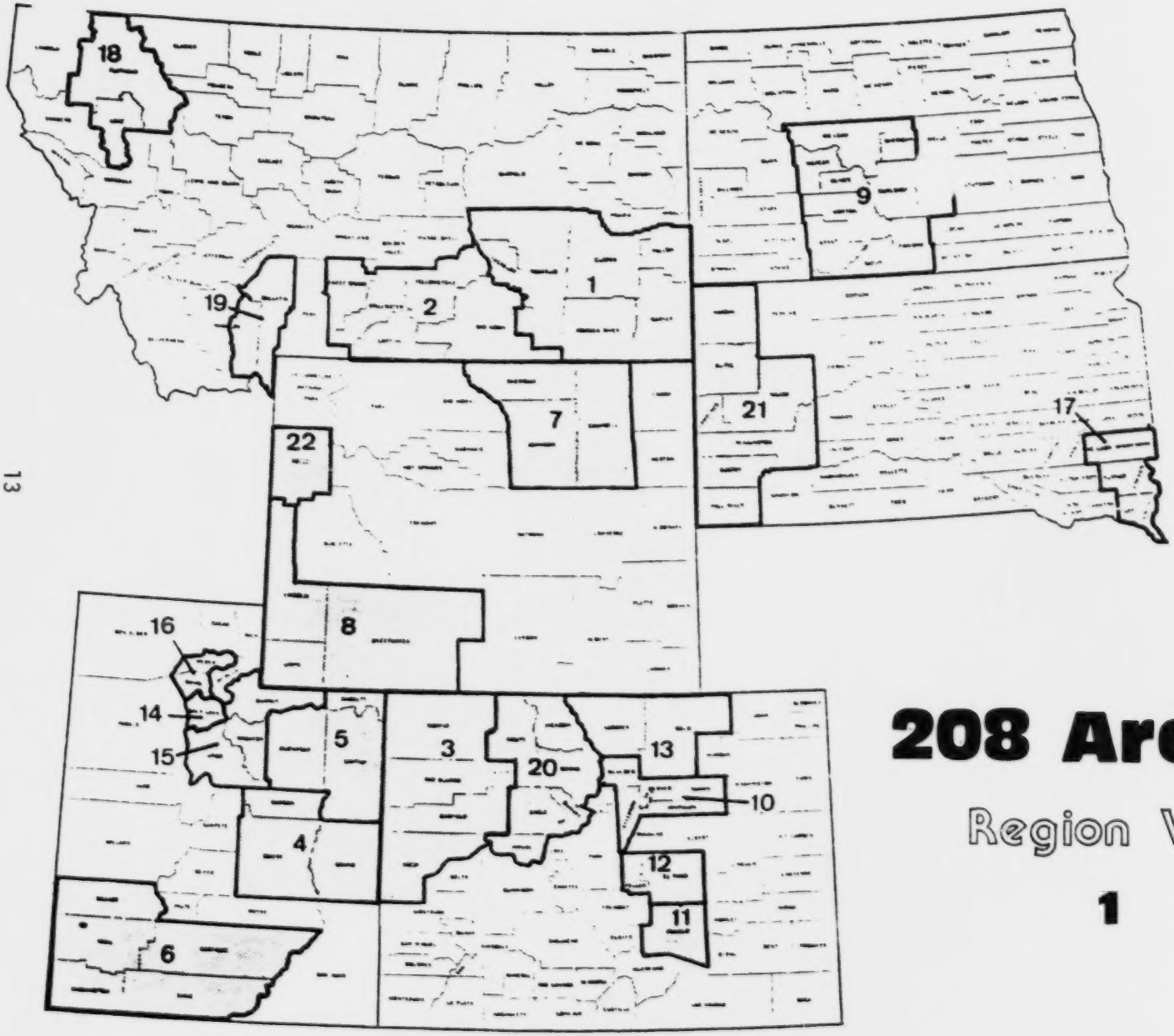
Water Quality Planning. The planning requirements of the Act form the basis for implementing the best management practices for the control of nonpoint source water pollution on both public and private lands. The Act provides for several levels of planning and includes provisions for solving both point and nonpoint source pollution problems in order to achieve the 1983 and 1985 water quality goals. In general, the planning activities required by PL 92-500 are carried out in steps during which the problem is first analyzed, the aspects of the problem that are most amenable to solution are identified, solutions to the problem are implemented, and further monitoring and analyses of water quality are carried out to determine which problems are to be attacked in the next phases of pollution control activities. All of these activities take place in the context of facility planning (Section 201), Areawide Wastewater Management Planning (Section 208), Statewide 208 planning, river basin water quality management plans required under Section 303(e) of the Act, Level B studies, and annual reports submitted by the States (Section 305). A brief discussion of each of these follows:

Facility Planning - Section 201 of the Act requires that Federally supported municipal treatment facilities employ cost-effective methods of treating or controlling both point and nonpoint pollution and that they be suitably adapted to local conditions. Through the environmental impact statement process the environmental, economic, and social impact of construction grants must be identified and the effects of the project on other programs, such as air quality and solid waste management must be evaluated. Facility plans must be in harmony with other environmental programs and the open space and recreation needs of the communities they serve. They must provide the best practicable waste treatment and be designed with a view toward future adaptations that will be required in order to attain the 1985 goal of no discharge of pollutants into navigable waters.

Areawide Waste Treatment Management Planning - Section 208 of PL 92-500 provides local agencies with federal support and guidance for intensive water quality planning and implementation of comprehensive water pollution control programs for areas that have substantial water quality problems. Section 208 planning areas may be designated in a number of ways, and the designated areas may vary considerably in size and characteristics. In EPA-Region VIII, for example, Section 208 planning areas range in size from the Salt Lake County 208 area in Utah to the eleven county Southcentral North Dakota area, and the problems addressed in the designated areas include the water quality problems of urban-industrial concentrations, areas impacted by energy development, and areas requiring special pollution control measures in order to protect outstanding scenic and recreational values. The Section 208 planning areas in EPA-Region VIII are identified in figure 1, and more information on 208 planning in each of the states is included in Appendix 1.

The purpose of Section 208 plans is to identify all wastes generated in the designated area and the treatment facilities needed to handle these wastes over a 20 year period. The plan analyzes alternative treatment systems, their impacts, and their economic feasibility. It also identifies priorities for construction and means of financing the facilities required. Control measures for nonpoint sources of pollution are included in the plan as well as plans for environmentally sound methods of disposing of solid wastes and sewage sludge. Thus, Section 208 planning also provides a mechanism whereby water quality programs may be coordinated with other environmental programs, such as land use planning, and air quality and solid waste management planning.

Areawide treatment plans must be compatible with the general goals outlined in basin plans and other water resource plans developed for the area and must identify governmental organizations that can effectively carry out the plan. Where such organizations either do not exist or do not have sufficient authority to carry out the plan, legislative needs may be outlined in the plan. The agency or combination of agencies designated to implement the plan must have authority to design, build and maintain treatment works; obtain and utilize grants and other revenues from communities and industries discharging into treatment facilities; obtain permits to discharge wastes and insure that discharges meet all applicable standards; and refuse to accept wastes from any new source if it would cause the facility to violate any applicable effluent standard. These authorities, together with any land use or zoning requirements of the plan, may rest with a variety of governmental agencies, ranging from the local to the Federal level. Intergovernmental agreements, contracts, and memoranda of understanding between various entities are used to bring these diverse areas of authority to bear on the various facets of the areawide waste treatment management plan. As a part of the implementation of a 208 plan, for example, Federal agencies participating in the development of the plan may agree to implement controls on certain activities that take place on lands under their jurisdiction in order to reduce the amount of suspended or dissolved solids in waters that drain from Federal lands in the 208 planning area. Such agreements will play an important role in the successful implementation of 208 plans in EPA-Region VIII.



208 Areas

Region VIII

1

208 AREAS IN REGION VIII

ENERGY-IMPACTED AREAS

1. Yellowstone-Tongue, Montana
2. Middle Yellowstone, Montana
3. Colorado West, Colorado
4. Southeastern Utah
5. Uintah Basin, Utah
6. Five County, Utah
7. Powder River, Wyoming
8. Green River, Wyoming
9. Southcentral N.D. (Lewis & Clark)

SMSA AREAS

10. Denver Area, Colorado
11. Pueblo Area, Colorado
12. Colorado Springs, Colorado
13. Larimer-Weld Counties, Colorado
14. Salt Lake County, Utah
15. Provo Area, Utah
16. Weber-Davis Counties, Utah
17. Sioux Falls, South Dakota

PRESERVATION/RECREATION AREAS

18. Flathead Drainage, Montana
19. Gallatin Drainage, Montana
20. Northwest Colorado
21. Black Hills, South Dakota
22. Jackson Hole, Wyoming

Appendix I contains additional information on each of the 208 planning areas in Region VIII and includes the names, addresses, and telephone numbers of persons to contact for additional information. Involvement of Federal agencies in the 208 planning areas is essential to the success of the program and will be helpful in coordinating the pollution control activities of Federal agencies with local efforts to protect and enhance the environment.

Statewide 208 Planning - In order to provide a unified approach to solving or preventing pollution problems in non-designated areas, Section 208(a)(6) of the Act directs states to act as the planning agency for all portions of the state that are not specifically designated for detailed areawide waste treatment planning. The statewide 208 plan will identify sources of pollution and measures needed to treat or control water pollution from point and non-point sources over a 20 year period. It will also establish priorities and schedules for construction of treatment works and identify agencies to build and operate them. Statewide 208 planning encompasses basically the same elements of water quality planning as areawide 208 planning. However, since pollution problems may be considerably less severe in nondesignated areas then in designated 208 planning areas, the level of detail required to adequately plan for the control and prevention of pollution in nondesignated areas may differ considerably from that required in designated areas. Thus, the major differences between statewide and local 208 planning are the level of government acting as planning agency and the level of detail to which the plan is pursued.

Section 303(e) Basin Plans - Section 303(e) requires states to maintain a continuing planning process aimed at developing plans and procedures for implementing effluent limitations and compliance schedules consistent with the Act and establishing priorities for construction of treatment works. Section 303(e) planning is conducted at the river basin level and includes an inventory of water quality and an analysis of water quality problems. On the basis of the inventory and analysis elements of the plan, management strategies are developed and monitoring and surveillance procedures are established in order to measure progress toward accomplishing the goals outlined in the plan and provide a basis for future revisions. The first phase of Section 303(e) planning began in 1973 and implementation activities under this phase of 303(e) planning has already begun in many areas.

Initially, Section 303(e) planning was directed only at planning for point sources, and nonpoint sources were not considered. Now, however, it is EPA's policy to require that all 303(e) basin plans address the problem of nonpoint sources of water pollution. Since the assessment of nonpoint source pollution problems and development of effective ways of solving them are time consuming processes, the task of bring pollution from nonpoint sources under control will proceed in phases, and each revision of the basin plans will bring a higher level of control.

Federal land managing agencies may find the data and analyses presented in 303(e) basin plans useful in determining what a basin's water quality problems are and the approaches that will be taken in solving the problems indentified in the plan. Additional information on 303(e) basin planning in the six states of Region VIII is included in Appendix II, which contains the names and addresses of persons to contact for information on planning activities that are underway and for copies of completed plans.

In order to streamline the planning process and increase its effectiveness, EPA has recently proposed new regulations that will combine statewide 208 planning and 303(e) basin planning into a single continuing state planning process (see 40 CFR Parts 130-131, Federal Register 40 (137): 29882 - 29891; see also Federal Register 40 (148): 32133 - 32136). These regulations describe the necessary elements of plans that will satisfy the Act's requirements for a continuing statewide planning program as required by Section 303(e), identify critical waters and total maximum daily waste loads pursuant to Section 303(d), provide an annual assessment and projection of water quality and related information (Section 305(b) report), prioritize treatment facilities construction needs, and carry out a number of other requirements of PL 92-500. The process will result in a state strategy for preventing and controlling water pollution over a five year period, to be updated annually. Planning will proceed on a river basin level, and it will be conducted by the states, with participation from local, regional, and Federal agencies. The planning process will include provisions for water pollutants from Federal lands and facilities and Federal participation in the development of plans to bring these sources under control. On a broad level, Federal compliance with these water quality management plans is based on Executive Order 11752, which directs all Federal agencies to comply with substantive state, interstate, and local requirements for control and abatement of pollution, and section 304(j) of PL 92-500, which directs EPA to enter into agreements with the Secretaries of Agriculture, the Army, and the Interior to provide for maximum utilization of appropriate programs authorized under other Federal laws for the purpose of achieving and maintaining water quality through implementation of plans approved under Section 208 of the Act. In addition to these broad authorities Section 130.34 of 40 CFR Part 130 directs Federal agencies to cooperate and give support to state governmental entities in the formulation and implementation of state water quality management plans for Federal areas and areas contiguous with Federally owned areas.

The planning cycle under these new regulations begins during 1975-1976, and the first plans must be submitted to the EPA Regional Administrator for pre-adoption review by April 11, 1978. The plans must be submitted to EPA for final approval no later than November 1, 1978. Questions concerning these regulations and the states of combined planning activities in EPA-Region VIII should be addressed to Mr. Roger Frenette, Chief; Statewide Planning Section; Water Programs Division; EPA-Region VIII; 1860 Lincoln Street; Denver, Colorado 80203; 303/837-4963.

Section 305(b) Reports - Section 305(b) of the Act requires each state to submit an annual report to EPA. The state's report is to inventory water quality within its borders and analyze the extent to which the goals of the Act have been accomplished. The 305(b) report must also describe what additional measures will be required in order to achieve the goals, the environmental impacts, economic and social costs and benefits of these measures, and the time required to meet the 1983 goals of the Act. The report must give attention to the nature and extent of nonpoint sources of pollution and must describe measures that will be used in controlling nonpoint source pollution. Since the information in the 305(b) report may be collected from the various planning activities of state and local agencies, the 305(b) report is not really a plan, but a window through which the progress of all of the State's planning and implementation efforts can be observed. Once the continuing planning process discussed above is underway, the annual 305(b) report will be included among the outputs of statewide combined planning carried out under 40 CFR Parts 130 and 131.

All six states of Region VIII completed their first 305(b) assessment in 1975.

Level B Planning - Section 209 of the Act directs the President, acting through the Water Resources Council, to complete long range planning for the Nation's major drainage basins. This planning, called Level B planning, brings together State and Federal agencies with statutory responsibilities for water quality control, land management, water resources development, flood control, transportation and recreation planning. Level B planning is typically conducted under the auspices of a River Basin Commission or similar organization made up of representatives from the various interested agencies. Level B plans consider economic growth patterns, population changes, air and water quality, long term needs for water resources development, future demands for recreation opportunities, and other parameters. Comprehensive program alternatives for the basin are developed and analyzed, and future project plans and Federal land management plans are developed within the framework developed in the Level B plan.

SAFE DRINKING WATER ACT

The Safe Drinking Water Act (P.L. 93-523) extends Federal regulations for drinking water to practically all suppliers of water for human consumption, provides for the protection of groundwaters from pollution that would diminish their usefulness as drinking water supplies, and appropriates funds for research, training, technical assistance, and demonstration projects. The Act also gives states primary enforcement authority wherever the condition specified in Section 1413(a) are satisfied.

Section 1401 of the Safe Drinking Water Act defines a public water system as a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly (at least 60 days per year) serves at least 25 individuals. Section 1447 requires all Federal agencies and Indian communities that have jurisdiction over water supply systems to comply with the terms of the Act, unless the President determines that a waiver of the requirements of the law is in the interest of national security.

In addition to complying with the regulations established to protect the quality of public water supplies, Federal agencies should be familiar with aspects of the Act and regulations that relate to land use planning. First, Section 1421 prohibits any underground injection of contaminants without a permit and specifies that no permits will be granted if the injection would endanger drinking water sources. Furthermore, this section declares that endangerment occurs whenever underground injection may result in a violation of the national primary drinking water standards or otherwise endanger public health.

Section 1424 of the Safe Drinking Water Act provides further protection to aquifers that are an area's sole or principal source of drinking water by enabling the Environmental Protection Agency to halt underground injection of contaminants into such aquifers and to prohibit any Federal assistance (such as grants, contracts, loans, etc.) to any project that might endanger such an aquifer. In addition, it is the Federal agency's responsibility to make sure that all lessees, concessioners and other tenants on Federal lands comply with the requirements of the Act.

The interim primary drinking water regulations to be promulgated under the Act will require that new or expanded public water supply systems avoid, to the extent practicable, locating facilities where they would be endangered by earthquakes, floods, fires, or other disasters. These siting requirements are designed to assure continuous supplies of safe drinking water during natural and man-caused adversities such as fires, earthquakes, and floods. Further details on these regulations and other aspects of the Safe Drinking Water Act may be obtained from Albert V. Soukup, Chief, Water Supply Section, Control Technology Branch; Water Division; EPA - Region VIII; 1860 Lincoln Street; Denver, Colorado 80203; 303/837-2735; or the state water supply officials shown in Table 2.

Table 2

State Water Supply Officials in

Environmental Protection Agency, Region VIII

COLORADO

Dr. Edward Pugsley
Director
Engineering & Sanitation Division
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
303/388-6111 Ext. 325

MONTANA

Donald G. Willems, Chief
Water Quality Bureau
Department of Health &
Environmental Sciences
Board of Health Building
Helena, Montana 59601
406/449-2406

NORTH DAKOTA

Norman L. Peterson, Director
Division of Water Supply &
Pollution Control
N.D. State Department of Health
State Capitol
Bismarck, North Dakota 58501
701/224-2386

SOUTH DAKOTA

John P. Hatch, Chief
Water Hygiene Program
Department of Environmental
Protection
Joe Foss Building
Pierre, South Dakota 57501
605/224-3351

UTAH

Richard D. Hansen
Assistant Chief
Water Quality Section
Bureau of Environmental Health
44 Medical Drive
Salt Lake City, Utah 84113
801/328-6146

WYOMING

Arthur Williamson
Administrator
Water Quality Division
Department of Environmental Quality
State Office Building
Cheyenne, Wyoming 82002
307/777-7391

FEDERAL ENVIRONEMNTAL PESTICIDE CONTROL

ACT OF 1972 (P.L. 92-516)

Because of the widespread use of pesticides in the control of unwanted vegetation and insect pests, the 1972 amendments to the Federal Insecticide, Fungicide and Rodenticide Act are important to Federal land managing agencies. The Act now requires registration of all pesticides and certification of the people who use or supervise the use of certain pesticides. It also extends liability for misuse of pesticides to the persons who use them and establishes requirements for safe storage and disposal of pesticides, pesticide containers and pesticide wastes.

Section 3 of the Act requires that all pesticides be registered with EPA. This requirement includes provisions for labeling pesticides with instructions for their safe use and directions for proper disposal of empty pesticide containers and other contaminated wastes. Unlike previous Federal pesticide legislation, the Federal Environmental Pesticide Control Act of 1972 (Section 12(a)(2)(G)) establishes severe penalties for failure to follow pesticide label instructions and provides for strict enforcement of the law by either the Environmental Protection Agency or State agencies with authority to do so.

Section 4 of the Act provides further control over the use of pesticides by requiring that the competence of applicators of certain pesticides be certified by an approved state agency. The states in EPA region VIII are developing plans for training and certification of pesticide applicators in order to carry out this provision of the Act. The names and addresses of officials responsible for pesticides programs in each state in Region VIII are shown in Table 3.

Federal regulations established pursuant to sections 19(a) and 25(a) of the act (see 40CFR part 165) recommend that storage sites for pesticides be selected and designed to take into account the quantity and toxicity of the materials being stored and require that places subject to flooding or geologic instability be avoided in order to prevent contamination of surface or ground waters by pesticides. These regulations also contain recommendations for safe methods of disposal of pesticides and pesticide containers. Pesticides may be disposed of in a variety of ways, depending on the kind and amount of material to be disposed of and the means of disposal that are available. In any case, however, pesticides must be disposed of in ways that are compatible with the requirements of the Solid Waste Disposal Act (P.L. 80-272, as amended), The Clean Air Act (P.L. 91-604, as amended), The Federal Water Pollution Control Act Amendments (P.L. 92-500), the Safe Drinking Water Act (P.L. 93-523), and state and local laws governing the use and disposal of pesticides.

Additional information on Federal, State, or local regulations concerning the transportation, storage, use, or disposal of pesticides may be obtained from the State officials shown in Table 3 or Mr. Ivan W. Dodson, Jr., Chief Pesticides Branch; Hazardous Materials Control Division; EPA, Region VIII; 1860 Lincoln Street; Denver, Colorado 80203 303/837-3926. Accidents involving pollution or potential pollution of surface or ground waters by pesticides should immediately be reported to Mr. C. Alvin Yorke, Chief; Emergency Planning and Response Branch; Surveillance and Analysis Division; EPA, Region VIII, 303/837-3880; other pesticide related accidents should be reported to Mr. Dan Bench; Pesticides Branch; Hazardous Materials Control Division; EPA, Region VIII; 1860 Lincoln Street; Denver, Colorado 80203, 303/837-3926 or the state officials listed below.

Table 3

State officials responsible for programs under the

Federal Environmental Pesticides Control Act of 1972

COLORADO

Robert I. Sullivan, Director
Division of Plant Industry
Department of Agrigulture
State Services Building
1525 Sherman Street
Denver, Colorado 80203
303/892-2838

MONTANA

Gary Gingery, Administrator
Pesticides Control Division
Department of Agriculture
Captiol Annex Building
Helena, Montana 59601
406/449-3730

NORTH DAKOTA

Larry Kleingartner, Pesticide Coordinator
North Dakota Department of Agriculture
State Capitol
Bismarck, North Dakota 58501
701/224-2232

SOUTH DAKOTA

Roger H. Pearson, Director
Division of Agriculture and
Regulation and Inspection
Department of Agriculture
State Office Building #1
Pierre, South Dakota 57501
605/224-3375

UTAH

Ray Downs, Director
Division of Plant Industry
Department of Agriculture
Room 412, State Capitol
Salt Lake City, Utah 84114
801/328-5421

WYOMING

Walter H. Patch, Director
Division of Plant Industry
Department of Agriculture
2219 Cary Avenue
Cheyenne, Wyoming 82001
307/777-7321

THE SOLID WASTE DISPOSAL ACT

The Solid Waste Disposal Act (P.L. 89-272, as amended) is aimed at encouraging environmentally sould disposal of solid waste and recovery of materials and energy resources from solid wastes through technical and financial assistance to states and localities for planning and demonstration projects. It also provides for Federal research and development and Federally promulgated guidelines and regulations.

The planning and land use implications of the Act are important. Land use decisions affect the nature and amount of solid wastes to be recycled or disposed of, and conversely, solid waste management decisions influence land use in ways that range from the selection of methods to dispose of solid wastes to the effects of resource recovery on the amount of land used to produce or extract primary, as opposed to recycled, materials and energy.

Planning for solid waste management occurs at both the state and local level. All of the states in EPA - Region VIII have completed statewide plans that consist of an assessment of solid waste problems and a plan to guide solid waste management. Strategy papers on special solid waste management problems, such as the disposal of hazardous wastes, are also being developed at the statewide level on a continuing basis. In addition, certain localities faced with serious solid waste problems, such as the disposal of mining residues or the waste management problems engendered by urban growth, receive grants to support solid waste management planning and demonstration projects.

In general, the control or regulation of solid waste disposal is held in combined authority between the states, which formulate guidelines and review potential sites, and local (usually county or regional) authorities who determine which of the suitable sites or methods of disposal will be used. Additional information on state and local planning activities, demonstration projects, and regulations may be obtained from the solid waste management officials whose names and addresses are listed in Table 4.

Executive Order 11752 requires that all Federal agencies comply with State, interstate and local Solid Waste Management requirements in furtherance of the purposes and policies of the Solid Waste Disposal Act, as amended, and Section 211 of the Act contains special requirements for Federal agencies that have jurisdiction over facilities that may involve the agency in waste disposal activities. Section 211 directs such agencies and lessees, tenants and concessioners on Federal lands and facilities to comply with the guidelines promulgated under Section 209 of the Act. To date, guidelines for

thermal processing and land disposal of waste have been published (40CFR Parts 240 and 241) and additional regulations on other aspects of solid waste management are forthcoming.

A special solid waste disposal problem that arises from time to time in EPA - Region VIII concerns safe disposal of radioactive uranium mine tailings on patented lands. Private companies operating uranium mines on Federal lands may apply for and be granted a patent from the Federal government which transfers ownership of the land in question from the government to the company for use as mill sites and disposal areas. Because of the change in ownership, disposal of uranium mine tailings on these lands is outside of Federal jurisdiction, and only state and local measures can be effective in controlling methods of disposal and long term maintenance of radioactive tailings. Colorado has specific regulations governing long term control of uranium mine tailings and is a party to a Nuclear Regulatory Commission agreement on safe methods of radioactive mine tailings disposal. South Dakota, Utah and Wyoming, however, have no controls over disposal of these wastes, and tailings disposal on patented lands in these states is unregulated. When tailings are disposed improperly on these lands the area becomes a liability to the taxpayers or subsequent owners of the land, and a radiation hazard that may persist for several thousand years has been created. Federal agencies can avoid this problem by not patenting land for tailings disposal areas. Instead, agencies can maintain ownership of the land and control the methods used to dispose of radioactive mine wastes through mineral lease stipulations. Mineral leases should require the lessee to comply with the American National Standards Institute "Standards for Stabilization of Uranium-Thorium Milling Waste-Retention Systems (H313-1974)" and the Nuclear Regulatory Commission's guidelines.

Any Federal agency planning to issue a permit or license for solid waste disposal on Federal land must first submit the proposed license or permit to EPA for review. Planners for Federal agencies should consult with Mr. Lawrence Gazda, Waste Management Branch, Air and Hazardous Materials Division, EPA - Region VIII, 1860 Lincoln Street, Denver, Colorado 80203, 303/837-2226 for additional information on Federal waste management guidelines and the review procedure for permits to dispose of solid wastes on Federal lands.

Table 4

State Solid Waste Management Agencies

in EPA, Region VIII

COLORADO

Orville F. Stoddard, P.E.,
Solid Waste Management
Project Engineering
State Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
303/338-6111 Ext. 323

MONTANA

Terence D. Carmody, Chief
Solid Waste Management Bureau
Montana State Department of
Health & Environmental Sciences
Helena, Montana 59601
406/449-2821

NORTH DAKOTA

Raymond Rolshoven, Assistant Director
Division of Water Supply &
Population Control
State Department of Health
Bismarck, North Dakota 58501
701/224-2386

SOUTH DAKOTA

Roger Stead, Chief
Air Quality & Solid Waste Programs
South Dakota Department of
Environmental Protection
Joe Foss Building
Pierre, South Dakota 57501
605/224-3351

UTAH

Dr. Dale Parker, Director
Bureau of Solid Waste Management
Utah State Division of Health
44 Medical Drive
Salt Lake City, Utah 84113
801/328-6163

WYOMING

Charles Porter, Solid Waste
Programs Supervisor
Wyoming Department of Environ-
mental Quality
State Office Building West
Cheyenne, Wyoming 82002
307/777-7391

THE CLEAN AIR ACT

The Clean Air Act as amended by Congress in 1970 and 1974 charged the states and the Environmental Protection Agency with the responsibilities of controlling and preventing air pollution so as to promote the public health and welfare and the productive capacity of the Nation's population. Provisions of the Act include the following:

- the establishment of National Ambient Air Quality Standards to protect public health and welfare;
- the establishment of criteria for the development of State Implementation Plans to achieve the National Standards;
- the establishment of emission standards for new stationary sources and for sources of hazardous air pollutants;
- the establishment of emission standards for mobile sources;
- the establishment and operation of procedures and systems to monitor, compile, and analyze data on ambient air quality and emissions; and
- the establishment of measures outlining Federal enforcement capabilities.

Following the signing of the Clean Air Act amendments by the President on December 31, 1970, the States and EPA expended considerable effort to develop and implement the State Implementation Plans. These plans were submitted by the States and approved by EPA in 1972. Subsequent court decisions, however, have required EPA to reconsider its decisions and to disapprove those portions of the State Plans Concerned with the maintenance of standards and significant deterioration of air quality. As a result of the court decisions, EPA and the States are now required, in addition to the original requirements involving the attainment of National Ambient Air Quality Standards, to ensure the maintenance of these standards once they are achieved and to prevent the significant deterioration of air quality levels in areas having air quality cleaner than required by standards. These requirements as discussed in the following paragraphs, and the State plans are published in the Federal Register 40CFR Parts 51 and 52.

Prevention of Significant Deterioration

The States and EPA are required to prevent the significant deterioration of air quality in areas where the air is already cleaner than required by Federal standards. The regulations provide for a threefold classification plan to be put into effect by the States, subject to EPA review. The regulations require public participation in determining which areas will maintain pristine air quality (Class I) and which areas will be subject to planned development that does not cause deterioration of air quality below the national air quality standards (Class III). For those areas not under State jurisdiction, such as Federal lands and some Indian lands, reclassifications are to be performed by the Federal land manager and Indian governing bodies, respectively, and are subject to EPA requirements and review. In no case will an area's air quality be allowed to exceed Federal primary and secondary standards which protect public health and welfare. At present, all areas have been initially designated to allow for moderate changes in air quality resulting from well controlled growth (Class II).

These regulations also include a requirement for a preconstruction review of new or expanded facilities for 18 types of industries (see 40CFR Part 52.21). The review will apply to facilities whose construction or modification begins after June 1, 1975. This review is designed to insure that emissions from the facilities will not violate the allowable deterioration increments and that "best available control technology" is employed.

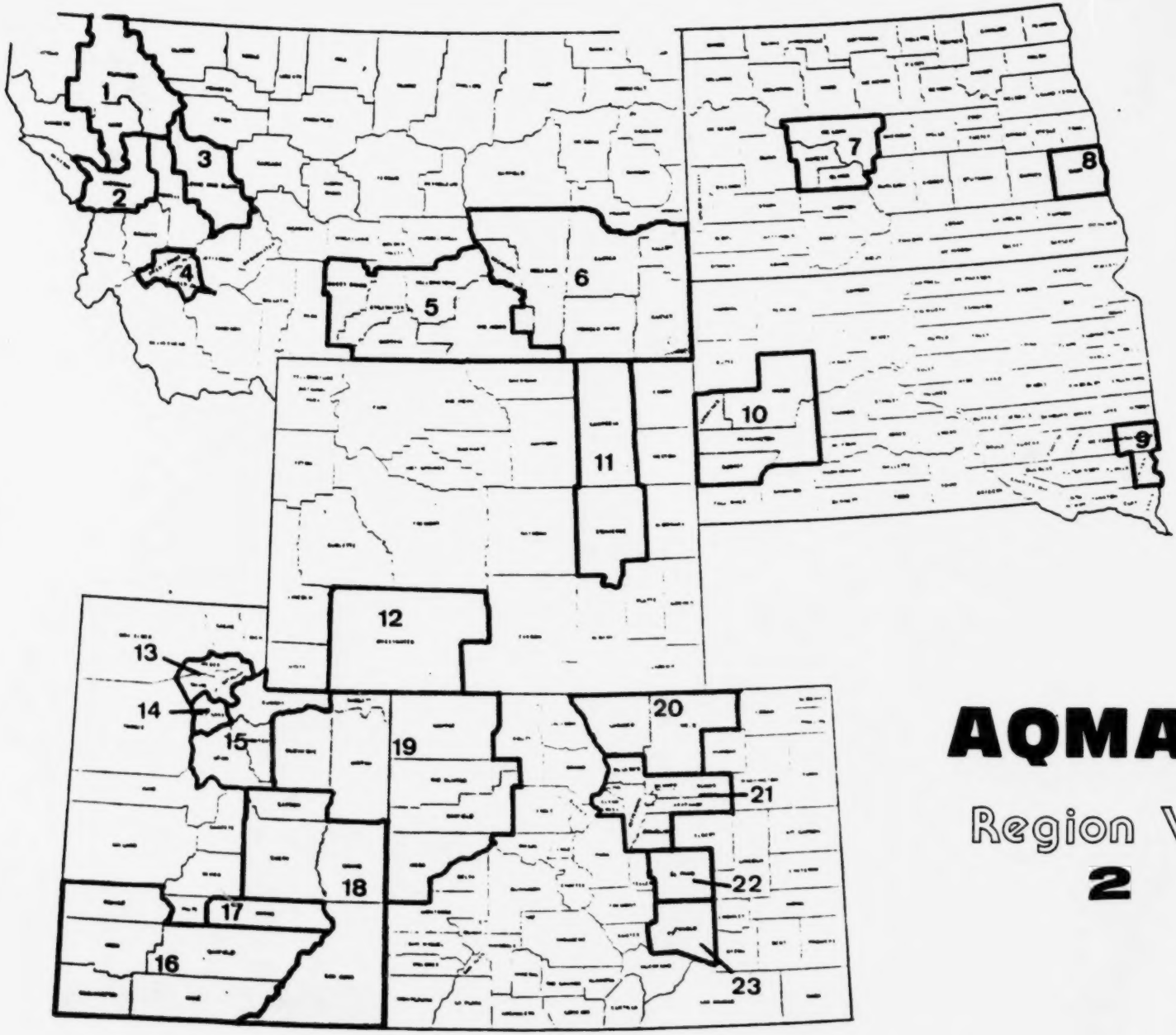
Also discussed in the Clean Air Act and included within the strategies for State Implementation Plans are emission standards for new stationary sources. These standards reflect the degree of emissions limitation achievable through the application of the best system of emission reduction for sources determined to cause or contribute to the endangerment of public health and welfare. EPA has developed requirements for 12 source categories and has published them in the Federal Register 40CFR Part 60.

Air Quality Maintenance

Air Quality Maintenance Plans are developed by the states to assure the maintenance of ambient air quality standards once they are achieved. These plans will include strategies to control air pollution in areas designated as air quality maintenance areas (AQMA's) where population growth or other factors, such as energy development, will cause standards to be violated by some future date. The strategies involve areawide comprehensive planning and require the assistance of Councils of Governments and local governing bodies for implementation. There are 23 AQMA's in EPA - Region VIII at the present time (see figure 2), and many of them coincide

with 208 planning areas for water quality planning. (Section 208 planning is explained in the discussion of the Water Pollution Control Act Amendments of 1972, P.L. 92-500). This correspondence between 208 planning areas for Water Quality and the AQMA's was deliberate and aimed at using a single planning and data base to integrate long term air and water quality planning. The timing of various phases of planning in each AQMA will vary according to the outcome of the initial analytical phase of the planning process. The analytical phase began on March 1, 1975, and depending upon the severity of air quality problems in each area, a plan may be completed as early as mid 1976 or as late as mid 1978. In areas where an AQMA and a 208 planning area coincide, the AQMA planning schedule will be based on the 208 planning schedule. Since planning for the AQMA's is primarily the responsibility of the states, information on a specific AQMA may be obtained from the state officials shown in Table 5.

Additional information on the air pollution control requirements of the Act and the dates of state implementation plans may be obtained from the state officials listed in Table 5 or the personnel of the Air Programs Branch, EPA, Region VIII, 1860 Lincoln Street, Denver, Colorado 80203 303/837-3926.



AQMA's

Region VIII

2

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AQMA's in REGION VIII

1. Kalispell, Montana
2. Missoula, Montana
3. Helena, Montana
4. Anaconda-Butte, Montana
5. Billings, Montana
6. Montana Coal Resource
7. McLean-Mercer-Oliver, North Dakota
8. Cass, North Dakota
9. Sioux Falls, South Dakota
10. Black Hills, South Dakota
11. Powder River Basin, Wyoming
12. Sweetwater, Wyoming
13. North Central, Utah
14. Salt Lake City, Utah
15. Provo, Utah
16. Southwestern Utah
17. Wayne County, Utah
18. Southeastern Utah
19. Colorado-Utah Interstate
20. District 2, Colorado
21. District 3, Colorado
22. District 4, Colorado
23. District 7, Colorado

Table 5

State Officials Responsible

For Air Quality in Region VIII

COLORADO

Lane W. Kirkpatrick, Director
Air Pollution Control Division
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
303/388-6111

MONTANA

Michael Roach, Chief
Air Quality Bureau
Department of Health &
Environmental Sciences
Cogswell Building
Helena, Montana 59601
406/449-2544

NORTH DAKOTA

Gene A. Christianson
Director
Division of Environmental
Engineering
North Dakota State
Department of Health
State Capitol
Bismarck, North Dakota 58501
701/224-2374

SOUTH DAKOTA

Roger Stead, Chief
Air Quality Program
Department of Environmental
Protection
State Office Building #2
Pierre, South Dakota 57501
605/224-3351

UTAH

Grant S. Winn, Chief
Air Quality Section
Bureau of Environmental Health
44 Medical Drive
Salt Lake City, Utah 84113
801/328-6108

WYOMING

Randolph Wood, Administrator
Air Quality Division
Department of Environmental Quality
State Office Building
Cheyenne, Wyoming 82002
307/777-7391

NOISE CONTROL ACT OF 1972

The Noise Control Act of 1972, P.L. 92-574, declares that "it is the policy of the United States to promote an environment for all Americans that is free from noise that jeopardizes their health or welfare". In keeping with this policy, the Act establishes "means for effective coordination of Federal research and activities in noise control", and directs the Environmental Protection Agency to establish noise emissions standards for products and provide the public with technical information and assistance concerning control of noise emissions.

Although the Act states that the primary responsibility for noise control rests with state and local governments, there are certain Federal requirements that may affect the activities of Federal land managing agencies. These include the requirement that Federal agencies implement measures to reduce their noise emissions, consult with EPA before issuing noise control regulations, comply with Federal noise emissions standards for railroads and motor vehicles, and satisfy the requirements of state and local noise control laws and ordinances.

Section 5 of the Act directs the Environmental Protection Agency to identify major noise sources, determine the effects of noise on public health and welfare, and publish noise emissions criteria and information on noise control technology. Section 6 requires EPA to establish noise emissions standards for manufactured products, and Section 8 gives EPA the authority to require labels warning purchasers or users of any product that emits noise capable of adversely affecting public health or welfare. Section 8 also gives EPA authority to require labels informing purchasers or users of noise control products of their effectiveness in reducing or controlling noise. Section 15, which requires EPA to identify and certify low noise products, encourages Federal agencies to reduce their noise emissions wherever possible by purchasing materials and equipment that have been identified as low-noise products.

In order to assure that any noise control regulations issued by other Federal agencies are consistent with the criteria that EPA has established, Section 4 of the Act requires that other Federal agencies must consult with EPA before the proposed noise control regulations are issued. If the proposed regulations do not, in the views of EPA, adequately protect public health and welfare, the burden of proof that they are adequate rests with the agency proposing them.

Sections 17 and 18 govern noise emissions by railroads and motor vehicles engaged in interstate commerce. These sections require EPA, after consultation with the Department of Transpor-

tation, to promulgate regulations limiting the noise emissions from railroads and motor vehicles and the facilities that they use (see 40CFR Part 202). These regulations apply to both the lessees or tenants of Federal lands (eg. rail lines to coal mines on Federal land) and to heavy equipment such as trucks operated by or for the Federal agencies themselves.

Additional information on the low noise products lists and other Federal noise control requirements may be obtained from Mr. Robert A. Simmons, Supervisor, Region VIII Noise Control Program, Environmental Protection Agency, 1860 Lincoln Street, Denver, Colorado 80203, 303/837-2222.

Under Section 4 of the Noise Control Act of 1972 and Executive Order 11752, *compliance with state and local noise control regulations by Federal agencies is mandatory* unless the President determines that it is in the paramount interests of the United States to grant an exception. Thus, all Federal agencies must be familiar with state and local control regulations and comply with their requirements, just as any other person or entity must do so.

State and local governments throughout EPA - Region VIII are enacting noise control laws and ordinances at a rapid pace. In 1974, for example, 27 communities in the Region had passed comprehensive numerically-based ordinances, and 43 others were developing similar ordinances. Because of the number of communities adopting noise control measures and the variety of directions from which the problem of community noise control may be approached, the following discussion is limited to some of the features that many of these ordinances have in common. Local zoning or environmental quality authorities and appropriate state officials (see Table 6) should be consulted for detailed information on specific local noise control requirements.

State and local measures involve vehicle standards and use zone standards. The vehicle standards generally consist of a numerical standard, or level of noise measured at a fixed distance from a stationary or moving vehicle. Typical vehicle noise limits in EPA Region VIII are:

Cars, motorcycles, and other vehicles under 10,000 lbs. GVW.....80 dB(A) at 25 ft. or 74 dB(A) at 50 ft.

Trucks and other vehicles which are over 10,000 lbs. GVW.....88 dB(A) at 25 ft. or 82 dB(A) at 50 ft.

In most cases, enforcement of vehicle noise standards emphasizes bringing violators into compliance with noise control requirements instead of collecting fines.

Use zone standards are numerical standards aimed at protecting residential, commercial, and industrial areas from excessive noise and preventing conflicts between various land uses. These standards are more stringent in residential areas than in commercial areas, and the standards for commercial areas are more stringent than those for industrial areas. Many use zone standards also include requirements for lower levels of noise during nighttime hours. For example, common use zone standards in EPA - Region VIII, limit noise to 55 dB(A) during the daytime and 50 dB(A) at night in residential areas.

The land use implications of use zone noise control standards are important to planners. Applicants for building permits, for example, may be required to show that the facilities to be built or remodeled will not exceed the noise standards for the accoustically nearest *existing* sensitive area (eg. residential neighborhood) or the nearest *potentially* sensitive area (eg. undeveloped land zoned residential). Since rezoning areas from one land use category to another may also result in noise control conflicts, many communities with noise control ordinances require proposals for zoning changes to be reviewed by noise control officials in order to assure that future conflicts over noise will not arise as a result of the proposed change in zoning. Noise control measures may also be required in the location and design of roads and other such facilities.

Table 6

State Environmental Noise Program Administrators

NOISE

COLORADO

Belmont Evans
Environmental Noise Control Officer
Colorado Department of Health
4210 E. 11th Avenue
Denver, Colorado 80220
303/388-6111 Ext. 245

MONTANA

Larry L. Lloyd
Health Physicist, Radiological
Health Program
Montana State Department
of Health
Cogswell Building
Helena, Montana 59601
406/449-3454

NORTH DAKOTA

Gene Christianson, Director., Div.
of Env. RH Program
North Dakota State Department
of Health
Capitol Building
Bismarck, North Dakota 58501
701/224-2372

SOUTH DAKOTA

Dr. Allyn O. Lockner, Secretary
Department of Environmental
Protection
Joe Foss Building
Pierre, South Dakota 57501
605/224-3351

UTAH

Dennis Dalley
Chief, Rad/Noise & Occu.
Health Section
Utah Division of Health
44 Medical Drive
Salt Lake City, Utah 84113
801/328-6121

WYOMING

(No State Program)

Appendix I

Section 208 Areawide Planning Programs in EPA Region VIII

Colorado

The 208 study areas in Colorado are listed in Table A-1, together with the name and address of a person to contact for detailed information on each plan. The Colorado West 208 is Colorado's only energy impact 208 area, the Northwest Colorado 208 is a preservation/recreation area, and the other four study areas are standard metropolitan statistical area (SMSA) 208's. The 208 agency has three years from the date its designation was approved by EPA Headquarters in Washington, D.C. to produce a completed areawide wastewater management plan.

Montana

The 208 Study areas in Montana are listed in Table A-2, together with the name and address of a person to contact for detailed information on each plan. Both the Yellowstone-Tongue and the Middle Yellowstone 208's will focus on water quality problems of energy impacted areas, while preservation of water quality will be addressed in the Gallatin Valley and Flathead Drainage 208 plans. The 208 agency has three years from the date its designation was approved by EPA Headquarters in Washington, D.C. to produce a completed areawide wastewater management plan.

North Dakota

The Northcentral North Dakota 208 Study, North Dakota's only 208 plan will address the water quality problems of an area impacted by energy development. The 208 planning agency designation was approved by EPA Headquarters in Washington, D.C. on May 22, 1975, and the agency has three years to produce a completed areawide wastewater management plan. Detailed information about the Northcentral North Dakota 208 plan may be obtained from Mr. Ed Wesloski, 208 Study Director; Lewis & Clark Resource Planning & Development Council; Box 236; Mandan, North Dakota 58554; 701/663-6587.

South Dakota

The 208 Study areas in South Dakota are listed in Table A-3, together with the name and address of a person to contact for additional information on each plan. The Black Hills 208 area is a preservation/recreation planning area and the Sioux Falls 208 area is a standard metropolitan statistical area (SMSA) planning area. The 208 agency has three years from the date its designation was approved by EPA headquarters in Washington, D.C. to produce a completed areawide wastewater management plan.

Utah

The 208 Study areas in Utah are listed in Table A-4, together with the name and address of a person to contact for detailed information on each plan. Three of Utah's 208 plans will focus in the Water Quality Problems of areas impacted by energy development: The Southeastern Utah 208, the Uintah Basin 208, and the Five County 208. The remaining 208 studies will address the water quality problems of urban-industrial complexes. Each 208 agency has three years from the date its designation was approved by EPA Headquarters in Washington, D.C. to produce a completed areawide wastewater management plan.

Wyoming

The 208 study areas in Wyoming are listed in Table A-5 together with the name & address of a person to contact for detailed information on each plan. Two of the plans, the Powder River and Green River plans, will focus on the water quality problems of areas impacted by energy development, and the third, Teton County, will address the problem of preserving water quality in a popular recreation area. The 208 agency has three years from the date its designation was approved in EPA Headquarters in Washington, D.C. to produce a completed areawide wastewater management plan.

Table A-1 Section 208 Planning Activities in Colorado

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
3. Colorado West	Colorado West Council of Governments	Jack Sparks, Interim Program Manager Joel Webster, EPA Liaison CWACOG P. O. Box 351 Rifle, Colorado 81650 303/625-1723	4-24-75
9. Denver	Denver Regional Council of Governments	Mr. Michael Smith, 208 Program Director Denver Regional Council of Governments 1776 S. Jackson Street Denver, Colorado 80210 303/758-5166	10-8-74
10. Pueblo	Pueblo Area Council of Governments	Mr. Gene Fisher, 208 Program Director Pueblo Area Council of Governments 1 City Hall Place Pueblo, Colorado 81003 303/543-6006	9-18-74

*Numbers correspond to those on the map in Figure 1.

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Table A-1 Section 208 Planning Activities in Colorado (con't)

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
11. Colorado Springs	Pikes Peak Area Council of Governments	Mr. Roland Gow, 208 Program Director Pikes Peak Area Council of Governments 27 East Vermijo Colorado Springs, Colorado 80903 303/471-7080	6-1-74
20. Weld-Larimer Counties	Larimer-Weld Council of Governments	Mr. E. Eidness, 208 Program Director Larimer-Weld Regional Council of Governments 201 E. 4th St. Room 201 Loveland, Colorado 80437 303/667-3288	5-14-75
21. Northwest Colorado	Northwest Colorado Council of Governments	Mr. Gordon Butcher, 208 Program Director Northwest Colorado COG P. O. Box 737 Frisco, Colorado 80443 303/468-5445	5-14-75

*Numbers correspond to those on the map in Figure 1.

Table A-2 Section 208 Planning Activities in Montana

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
1. Yellowstone-Tongue	Yellowstone-Tongue Area Planning Organization	Mr. Clark Judy, 208 Project Director P.O. Box 503 Broadus, Montana 59317 406/436-2802 or Allen Rowland President, Northern Cheyenne Tribal Council Lame Deer, Montana 59043 406/477-6240	4-8-75
2. Middle Yellowstone (Billings)	Middle Yellowstone Area Planning Organization	Mr. Allen Bond, 208 Project Director 3300 2nd Avenue North Suite 200 Billings, Montana 59101 406/245-6619 or Danny Old Elk Crow Agency Crow Agency, Montana 59022 406/638-2636	4-2-75

*Numbers correspond to those on map in Figure 1.

Table A-2 Section 208 Planning Activities in Montana (con't)

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
16. Flathead Drainage	Flathead Drainage 208 Project	Mr. Pete Vance Project Director Box 1031 M & M Building Kalispell, Montana 59901 406/755-8420 or Larry Hall 701 Planning Office Confederated Salish and Kootenai Tribes Ronan, Montana 59102 406/676-0391	4-2-75
22. Gallatin County	Blue Ribbons of the Big Sky County Area Planning Organization	Walter Sales, Chairman Blue Ribbons of the Big Sky Country APO Gallatin County Courthouse Bozeman, Montana 59715 406/581-7314	6-5-75

*Number correspond to those on map in Figure 1.

Table A-3 Section 208 Planning Activities in South Dakota

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
4. Black Hills	6th District Council of Local Governments	Mr. Lyle Randen, 208 Study Director 6th District Council of Local Governments P. O. Box 1586 Rapid City, South Dakota 57701 605/342-8241	5-19-75
15. Sioux Falls	Southeastern Council of Governments	Mr. Gary Simon, 208 Study Director Southeastern Council of Governments 208 East 13th Street Sioux Falls, South Dakota 57105	5/27/75

*Number correspond to those on map in Figure 1.

Table A-4 Section 208 Planning Activities in Utah

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
5. Southeastern Utah	Southeastern Utah Assoc. of Governments	Dr. Courtney Brewer 208 Project Manager 208 Water Quality Planning 143 South Main Helper, Utah 84720 801/472-3403	4/17/75
6. Uintah Basin	Unitah Basin Association of Governments	John Dill 208 Project Manager Uintah Basin Association of Governments P. O. Box 867 26 West Second North Roosevelt, Utah 84066 801/722-4518	1/10/75
12. Salt Lake County	Salt Lake County Council of Governments	Dr. David Eckhoff, Project Manager Salt Lake County Council of Governments County Complex Building #1, Room 214 2033 South State Street Salt Lake, Utah 801/328-7461	3/6/75

*Number correspond to those on the map in figure 1.

Table A-4 Section 208 Planning Activities in Utah (con't)

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
13. Provo	Mountainland Association of Governments	Mr. George Scott, 208 Study Director Mountailand Association of Governments 160 East Center Street Provo, Utah 84601 801/377-2262	1/21/75
14. Weber & Davis Counties	Weber River Water Quality Planning Council	Mr. Graham F. Shirra, 208 Administration Weber River Water Quality Planning Council 714 Municipal Building Ogden, Utah 84401 801/399-8401	4/2/75
17. Southwestern Utah	Five County Association of Governments	Mr. Melvin T. Bowler, Chairman Five County Association of Governments P. O. Box 261 Cedar City, Utah 84720 801/586-4842	5/14/75

*Number correspond to those on the map in figure 1.

Table A-5 Section 208 Planning Activities in Wyoming

AREA*	PLANNING AGENCY	STUDY DIRECTOR OR OTHER RESPONSIBLE OFFICIAL	APPROVAL DATE
7. Powder River Basin	Powder River Areawide Planning Organization	Mr. Dick Shelton, 208 Study Director Powder River Areawide Planning Organization P. O. Box 204 Buffalo, Wyoming 82834 307/684-7648	4-4-75
8. Green River Basin	Southwestern Wyoming Water Quality Planning Association	Mr. Robert Schuetz, 208 Study Director Southwestern Wyoming Water Quality Planning Association P. O. Box 389 Kemmerer, Wyoming 83101 307/789-3897	5-14-75
23. Teton County	Teton County Section 208 Planning Agency	Dr. Eugene P. Zeited 208 Study Director Teton County Section 208 Planning Agency P. O. Box 1727 Jackson, Wyoming 83001 307/733-4430	6-3-75

*Number correspond to those on map in Figure 1.

Appendix II

Section 303(e) Basin Planning in EPA Region VIII

Colorado

Basin plans prepared under Section 303(e) have been completed or are in the final stages of preparation for the 11 major basins in Colorado. Copies of the plans and other information on state water quality planning may be obtained from the Director of the Water Quality Control Division, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80202, 303/388-6111 Ext. 231.

Montana

Basin plans prepared under Section 303(e) have been completed or are in the final stages of preparation for the 16 major basins in Montana. Copies of the plans and other information on state water quality planning may be obtained from the Chief, Water Quality Bureau, Department of Health and Environmental Sciences, Board of Health Building, Helena, Montana 59601, 406/449-2406.

North Dakota

Basin plans prepared under Section 303(e) have been completed for the three major river basins in North Dakota. Copies of the plans and other information on North Dakota's water quality programs may be obtained from the Director of the Division of Water Supply and Pollution Control, North Dakota State Department of Health, State Capitol, Bismarck, North Dakota 58501, 701/224-2386.

South Dakota

The status of basin plans prepared under Section 303(e) of the Act is shown in Table A-6. Information on these plans and other aspects of South Dakota's water quality programs may be obtained from the Chief, Water Quality Control Program, Department of Environmental Protection, State Office Building #2, Pierre, South Dakota 57501 605/224-3351.

Utah

The status of basin plans prepared under Section 303(e) of the Act is shown in Table A-7. Copies of completed plans and information on other aspects of Utah's water quality programs may be obtained from the Chief, Water Quality Section, Bureau of Environmental Health, 44 Medical Drive, Salt Lake City, Utah 84113, 801/328-6146.

Wyoming

The status of basin plans prepared under Section 303(e) of the Act is shown in Table A-8. Copies of completed plans and information on other aspects of Wyoming's water quality programs may be obtained from the Administrator, Water Quality Division, Department of Environmental Quality, State Office Building, Cheyenne, Wyoming 82002, 307/777-7391.

Table A-6 South Dakota 303(e) Basin Plan Schedule

Basin	Final Draft	Public Hearing	Governor's Approval	EPA Approval
Cheyenne	3/31/75	5/31/75	6/30/75	6/30/75
Vermillion	4/30/75	6/30/75	7/31/75	8/31/75
Red River	5/31/75	7/31/75	8/31/75	9/30/75
Little Minnesota	5/31/75	7/31/75	8/31/75	9/30/75
James	7/31/75	9/30/75	10/31/75	11/30/75
Big Sioux	6/30/75	8/31/75	9/30/75	10/31/75
Little Missouri	11/30/75	1/31/76	2/28/76	3/31/76
Niobrara	12/31/75	2/28/76	3/31/76	4/30/76
Central Missouri	2/28/76	4/30/76	5/31/76	6/30/76

Table A-7 Utah 303(e) Basin Planning Schedule

Basin	Final Draft	Public Hearing	Certification	EPA Approval
1. Jordan	3/1/75	10/7/74	5/1/75	2/1/75
2. Weber	2/1/75	4/1/75	5/1/75	6/1/75
3. Sevier	3/1/75	5/1/75	6/1/75	7/1/75
4. Bear	3/1/75	5/1/75	6/1/75	7/1/75
5. Virgin	3/1/75	5/1/75	6/1/75	7/1/75
6. Colorado	2/15/75	5/1/75	6/1/75	7/1/75
7. Great Basin	5/1/75	6/1/75	6/30/75	7/31/75

Table A-8 Wyoming 303(e) Basin Plan Schedule

Basin	Final Draft	Public Meeting	Governor's Certification	EPA Approval
Platte E.	3/15/75	6/1/75	6/20/75	6/30/75
Black Hills	3/1/75	3/30/75	4/7/75	4/15/75
N.E. Wyoming E. Powder	3/1/75	3/30/75	4/7/75	4/15/75
Bighorn	7/1/75	9/15/75	9/30/75	10/15/75
Green E.	7/1/75	9/15/75	9/30/75	10/15/75
Snake	8/15/75	8/15/75	11/1/75	11/15/75
Bear	8/15/75	8/15/75	11/1/75	11/15/75